

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

CIVIL ACTION NO. 04-CV-11783-RWZ

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING
BRIEFING SCHEDULE FOR SUMMARY JUDGMENT**

RWZ

1. On November 17, 2005, plaintiff filed a motion for claim construction and summary judgment of infringement, and defendant's response is currently due on January 27, 2006.

2. Defendant sought to take the deposition of a named inventor, Herbert Loeffler, prior to the date on which defendant's response is due. Mr. Loeffler's deposition was scheduled and duly noticed for January 19, 2006. However, Mr. Loeffler was unable to appear for his deposition, due to personal obligations that were beyond the parties' control. The parties are currently attempting to reschedule the deposition.

IT IS HEREBY STIPULATED, subject to the approval of the Court, that defendant's brief in response to plaintiff's motion shall be due one week after Mr. Loeffler's deposition is taken. Plaintiff's reply brief shall be due four weeks after defendant's response is filed. Upon

completion of briefing, the parties shall advise the Court whether it will be necessary to continue the hearing date, currently scheduled for March 23, 2006.

CYTOLOGIX CORPORATION

VENTANA MEDICAL SYSTEMS, INC.

/s/ Michael E. Zeliger

/s/ Michael S. D'Orsi

Michael E. Zeliger (BBO #633654)
Janet Lee (*pro hac vice*)
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110
(617) 542-5070

Peter E. Gelhaar (BBO #188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY & GELHAAR, LLP
One Beacon Street, 33rd Floor
Boston, MA 02108
(617) 720-2880


Ron E. Shulman (*pro hac vice*)
Roger J. Chin (*pro hac vice*)
WILSON SONSINI GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304
(650) 493-9300

Jeffrey N. Danis (BBO# 113880)
VENTANA MEDICAL SYSTEMS, INC.
1910 Innovation Park Drive
Oro Valley, Arizona 85737
(520) 229-3965

Dated: January 19, 2006

IT IS SO ORDERED:

Dated: 1/23/06



HON. RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that the document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 19, 2006.

DATED: January 19, 2006

/s/ Michael S. D'Orsi